

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KING MWASI,

Plaintiff,

v.

LUCKEN, *et al.*,

Defendants.

Case No. 1:21-cv-00702-JLT-BAM (PC)

ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION TO MODIFY
DISCOVERY AND SCHEDULING ORDER
(ECF No. 44)

ORDER DIRECTING CLERK OF COURT TO
RE-SERVE JANUARY 19, 2023 DISCOVERY
AND SCHEDULING ORDER ON PLAINTIFF
(ECF No. 41)

Deadline to Amend Pleadings: **August 17, 2023**
Discovery Deadline: **January 17, 2024**
Dispositive Motion Deadline: **March 29, 2024**

Plaintiff King Mwasi ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's first amended complaint against Defendants Lucken, Sepeda, and Blanco for excessive force in violation of the Eighth Amendment.

On January 19, 2023, the Court issued a discovery and scheduling order setting forth the deadlines and procedures for discovery and dispositive motions in this action. (ECF No. 41.)

On June 20, 2023, Plaintiff filed a motion to extend all deadlines in the discovery and scheduling order by 120 days, because he did not receive the Court's discovery and scheduling order until May 1, 2023, after it was sent to him by defense counsel. (ECF No. 44.) Defendants filed a non-opposition to Plaintiff's motion the same date. (ECF No. 45.) The Court construes the motion as a motion to modify the discovery and scheduling order, and the motion is deemed submitted. Local Rule 230(l).

1 Having considered the request, and in light of Defendants' non-opposition, the Court finds
2 good cause to grant the requested modification of the discovery and scheduling order. Fed. R.
3 Civ. P. 16(b)(4). However, as Defendants have indicated their intent not to file a summary
4 judgment motion on the issue of exhaustion, that deadline will not be reset. (See ECF No. 43.)

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. Plaintiff's unopposed motion to modify the scheduling order, (ECF No. 44), is

7 GRANTED, as follows:

8 a. The deadline for all stipulated amendments or motions to amend is extended
9 from April 19, 2023 to **August 17, 2023**;

10 b. The deadline for completion of all discovery, including filing all motions to
11 compel discovery, is extended from September 19, 2023 to **January 17, 2024**;

12 c. The deadline for filing all dispositive motions (other than a motion for
13 summary judgment for failure to exhaust) is extended from November 30,
14 2023 to **March 29, 2024**;

15 2. All other requirements set forth in the Court's January 19, 2023 discovery and
16 scheduling order, (ECF No. 41), remain in place;

17 3. The Clerk of the Court is DIRECTED to re-serve a copy of the Court's January 19,
18 2023 discovery and scheduling order, (ECF No. 41), on Plaintiff at his current address
19 of record; and

20 4. **A request for an extension of a deadline set in this order must be filed on or**
21 **before the expiration of the deadline in question and will only be granted on a**
22 **showing of good cause.**

23
24 IT IS SO ORDERED.

25 Dated: **June 22, 2023**

26 /s/ **Barbara A. McAuliffe**
27 UNITED STATES MAGISTRATE JUDGE
28